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EX-10
U.S. MAIL CERTIFICATE

Date 11-7-01

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I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office" to Addressee" service.

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PATENT TRADEMARK OFFICE

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PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

J1021U81
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J1021U81
11/07/01

Docket No. 1946/1B861-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Andrea LEONE-BAY; Sam J. MILSTEIN; Donald SARUBBI,
and Harry LEIPOLD

For: COMPOUNDS AND COMPOSITIONS FOR DELIVERING ACTIVE AGENTS

CONTINUING APPLICATION

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

Sir:

This is a request for filing under 37 C.F.R. 1.53(b) of a Continuation application of the following pending prior application:

Serial No. 08/820,694 Filed: March 18, 1997

Of: Andrea LEONE-BAY et al.

For: **COMPOUNDS AND COMPOSITIONS FOR DELIVERING ACTIVE AGENTS**

Examiner: J. Spear Group: 1615

1. Enclosed is a copy of the prior application as originally filed (along with a copy of the original Declaration). No amendments identified in the declaration for this prior application introduced new matter. Please use this copy as the application and declaration for the present case.
2. The filing fee is calculated below:

CLAIMS AS FILED, AFTER ACCOMPANYING AMENDMENT

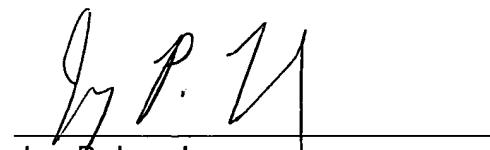
	Claims on File	Number Extra	Rate
Basic Fee			\$740.00
Total Claims	27 - 20 =	7 x \$18	\$126.00
Independent Claims	2 - 3 =	0 x \$84	\$0.00
If Multiple Dependent Claims Are Present, Add \$280.00			\$0.00
Total Filing Fee			\$866.00

3. A check in the amount of \$866.00 enclosed.
4. The prior application is assigned to: Emisphere Technologies, Inc.
5. A copy of the Assignment is enclosed.
6. A Preliminary Amendment is also enclosed.

7. Formal Drawings are filed herewith.

Date: November 7, 2001

Respectfully submitted,



Jay P. Lessler
Reg. No. 41,151
Attorney of Record in Prior Application

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022
212-527-7700

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